IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31646 of 2007(P)

OS.907/2004 of PRL.M.C.,NEYYATTINKARA
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PETITIONER:

K.SUBHADRAMMA, "POURNAMI" CHENKAL
DESOM, DO. VILLAGE, THIRUVANANTHAPURAM DISTRICT.
695132.

BY ADV. SRI.S.EASWARAN

RESPONDENTS:
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1. S.JAYA, KRISHNA VILASOM, CHENKAL VILLAGE
CHENKAL DESOM, THIRUVANANTHAPURAM DISTRICT,695132.

2. KRISHNA PILLLA, RAVINDRAN NAIR OF DO. DO,695132

3. ESWARIAMMA PRABHA KUMARI OF DO. DO. 695132.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.31646 of 2007

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Dated this the 25th day of October, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Principal Munsiff, Neyyattinkara whereby he had condoned the delay and had set aside the dismissal of the suit on payment of cost of Rs.2,000/-. The grievance of the writ petitioner is to the effect that she is under a poor financial circumstance and that she is undergoing regular treatment in the Cancer Hospital and therefore indulgence should be shown and the order imposing cost may have to be interfered with. The cost awarded is Rs.2,000/-. One cannot treat it on the higher side. But taking into consideration that her husband was also not well and she is suffering from very serious ailment, I am inclined to reduce the cost to Rs.1,500/-.

2. Therefore, the order of the court below is modified and the Writ Petition is disposed of directing the writ petitioner to pay

the cost of Rs.1,500/- (Rupees one thousand five hundred only) and I fix the time for payment on or before 14.11.2007. On payment of the same, the suit shall be restored back to file and dispose of the same in accordance with law.

M.N.Krishnan,
Judge.

ess 25/10